

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHRISTOPHER HAGLEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0468

PRIME CARE MEDICAL, INC.,
WALLACE TUCKER,
CAPTAIN DIAMOND, and
C. O. ANTHONY EVERSON,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Motion to Dismiss of Defendants Diamond and Everson be granted (ECF No. 46); that the second amended complaint be dismissed in its entirety, without prejudice; and that this action be removed from the docket of the Court. No objections to the Magistrate Judge's findings and recommendation have been filed.¹

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that that the Motion to Dismiss of Defendants Diamond and Everson be **GRANTED** (ECF No. 46); that the second amended complaint be **DISMISSED**

¹ The Proposed Findings and Recommendation was returned marked undeliverable. The Clerk of Court has no current address for Plaintiff.

in its entirety, without prejudice; and that this action be **REMOVED** from the docket of the Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: August 30, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE